

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD DEAN YANDELL,

No. 2:21-cv-0469 JAM AC P

Plaintiff,

ORDER

v.

DONALD WASHINGTON, et al.,

Defendants.

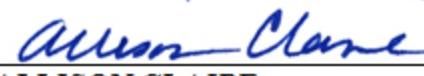
Plaintiff, a pretrial detainee proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 19, 2021, plaintiff filed a second amended complaint (“SAC”). ECF No. 15. The SAC did not name as defendants Donald Washington or Folena (Supervisor Badge #7), who had been named in the original complaint as defendants. Compare ECF No. 1 at 1-6, with ECF No. 14 at 4, 6-9.

An amended complaint supersedes the original complaint, the latter being treated thereafter as non-existent. Lacey v. Maricopa Cty., 693 F.3d 896, 925 (9th Cir. 2012); Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992). Plaintiff’s failure to maintain claims against Washington and Folena in the SAC therefore constitutes a voluntary dismissal of these defendants under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

1           Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall TERMINATE  
2 Director of USM Services Donald Washington and Folena (Supervisor Badge #7) as defendants  
3 in this action in the case caption of the docket pursuant to Federal Rule of Civil Procedure  
4 41(a)(1)(A)(i) and Lacey v. Maricopa Cty., 693 F.3d 896, 925 (9th Cir. 2012).

5 DATED: November 16, 2021

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7 ALLISON CLAIRE  
8 UNITED STATES MAGISTRATE JUDGE

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